

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GERALD R. MOLLOHAN, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:13-cv-32251

DONALD PRICE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court are three motions by Plaintiffs Gerald R. Mollohan and Brothers of The Wheel Motorcycle Club Nomads, Inc. and Counterclaim Defendant Frank J. Visconi (together, the “Claimants”): Claimants’ Motion to Cancel Trademark, (ECF No. 104,) Claimants’ Motion to Cancel Trademark, (ECF No. 109), and Claimants’ Motion for Injunction against Defendants/Counterclaim Plaintiffs for Trademark and Copyright Infringement, (ECF No. 110). All of these motions have been construed as requests for preliminary and permanent injunctive relief with respect to the trademark and copyright infringement claims asserted in the operative Amended Complaint.

On December 16, 2013, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition (“PF&R”). (ECF No. 4.) Magistrate Judge Tinsley filed a PF&R, (ECF No. 133), in response to the instant motions on February 25, 2016, recommending that this Court deny without prejudice each of the Claimants’ motions.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

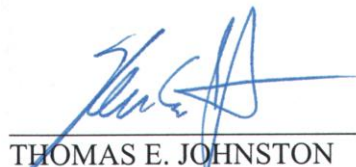
Objections to the PF&R in this case were due on March 14, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 133), and **DENIES WITHOUT PREJUDICE** Claimants' Motions to Cancel Trademark, (ECF Nos. 104 and 109), and Claimants' Motion for Injunction against Defendants/Counterclaim Plaintiffs for Trademark and Copyright Infringement, (ECF No. 110). The Court leaves this matter referred to Magistrate Judge Tinsley for additional proceedings concerning the Claimants' remaining claims.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 17, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE